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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,996	10/04/2006	Ralf Krahmer	5942-87136	4587
22242 7590 12/28/2007 FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			EXAMINER NIEBAUER, RONALD T	
			ART UNIT 1654	PAPER NUMBER
			MAIL DATE 12/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10559996	10/4/2006	KRAHMER ET AL.	5942-87136

FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO, IL 60603-3406

## EXAMINER

Ronald T. Niebauer

## ART UNIT

## PAPER

1654

20071219

DATE MAILED:

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## Commissioner for Patents

The reply filed on 11/16/07 is not fully responsive to the prior restriction requirement because of the following omission(s) or matter(s): while applicant has elected a unique species for W, applicant has not elected a unique species for all of the variable groups such as V. Specifying that a group contains a heteroatom does not uniquely define the compound. Further, the species is unclear because applicant has not specified if the compound is of formula Ia or Ib. Applicant states that Z is formula Xc and that 'a' is 3, however Xc (page 15 of specification) does not have an 'a' variable. The variable X is unclear since it is not readily apparent how the residues are arranged and how the residues are attached to the compound. Applicant is to elect a single species such that all the variable groups are uniquely defined and the arrangement of the variables is clear. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald T. Niebauer whose telephone number is 571-270-3059. The examiner can normally be reached on Monday-Thursday, 7:30am-5:00pm, alt. Friday, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached at 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER